IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR
&
THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR

TUESDAY, THE 9TH OCTOBER 2007 / 17TH ASWINA 1929

WP(C).No. 29943 of 2007(M)

PETITIONER:

K.K.SALIM KUMAR, AKHILA THIRUVITHAMCORE MALA ARAYA MAHA SABHA, SECRETARY, BR.26, RESIDING AT KAPPILYIL, PUNCHAVAYAL P.O., MUNDAKKAYAM, KOTTAYAM.

BY ADV. DR.K.P.KYLASANATHA PILLAY
SRI.K.JITHIN
SMT.SREEDEVI KYLASANATH

RESPONDENTS:
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1. **DEPUTY SUPERINTENDENT OF POLICE, KOTTAYAM.**
2. **CIRCLE INSPECTOR OF POLICE, KANJIRAPPALLI.**
3. **SUB-INSPECTOR OF POLICE, MUNDAKKAYAM, KOTTAYAM DISTRICT.**
4. **P.K.BHASKARAN, PUNCHAVAYAL P.O., MUNDAKKAYAM.**
5. **V.G.SOMASHEKARAN, VALIYAVEETIL, R.P.C.P.O., VANDAMPATHAL, MUNDAKKAYAM, KOTTAYAM.**
6. **K.K.SEKHARAN, KALAKUNNAL, PUNCHAVAYAL P.O., MUNDAKKAYAM, KOTTAYAM.**
7. **P.K.SAJEEV, PUTHUPARAMBIL VEEDU, VENGATHANAM P.O., PAZHUMALA, KOTTAYAM.**

8. K.N.SHAJIMON, KOCHUVEETTIL,
PUNCHAVAYAL P.O., MUNDAKKAYAM, KOTTAYAM.

BY GOVERNMENT PLEADER SRI. P.A.SALIM

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 09/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.BALAKRISHNAN NAIR & T.R.RAMACHANDRAN NAIR, JJ.

Writ Petition (C) No.29943 of 2007-M

Judgment

Balakrishnan Nair, J.

The petitioner submits, he is the Secretary of Akhila Thiruvithamcore Mala Araya Maha Sabha. It is having a temple at Punchavayal. The petitioner submits, he has the right to administer the temple and also conduct pujas there. But the respondents 4 to 8 are causing obstruction to the same. They also prevent the woman devotees, belonging to the Scheduled Tribe, coming to the temple. So, the petitioner has filed Ext.P2 representation before the SI of Police, praying for protection to the petitioner and other office bearers of the temple and also for the conduct of the daily pujas. Since the Police did not take any action on Ext.P2, this Writ Petition is filed. We notice that the petitioner's civil right as the office bearer of a trust, which owns a temple, is alleged to be infringed by respondents 4 to 8. We cannot adjudicate the petitioner's right to administer the temple or conduct pujas there, nor the Police could be conferred the said jurisdiction. The petitioner has to move the competent civil court, establish his right there and obtain injunction against the obstructors. If those

obstructors are indulging in any criminal actions and the Police are not registering any crime, he can move the competent criminal court for appropriate reliefs. In view of the above position, this Writ Petition need not be entertained. Accordingly, it is dismissed without prejudice to the contentions of the petitioner and his right to move other forums for appropriate reliefs.

K.BALAKRISHNAN NAIR,JUDGE

09.10.2007 **T.R.RAMACHANDRAN NAIR, JUDGE**

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